

OPEN MEETING ITEM

COMMISSIONERS
GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

ORIGINAL



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ARIZONA CORPORATION COMMISSION

RECEIVED

DATE: MAY 6, 2011

2011 MAY -6 A 10: 06

DOCKET NO.: T-04038A-08-0117

AZ CORP COMMISSION
DOCKET CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Marc Stern. The recommendation has been filed in the form of an Order on:

ATMC, INC.
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

MAY 16, 2011

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MAY 24, 2011 and MAY 25, 2011

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

MAY 6 2011

DOCKETED BY

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 GARY PIERCE - Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF THE APPLICATION OF
9 ATMC, INC. TO CANCEL ITS CERTIFICATE
10 OF CONVENIENCE AND NECESSITY TO
11 PROVIDE COMPETITIVE RESOLD
12 INTEREXCHANGE TELECOMMUNICATIONS
13 SERVICES WITHIN THE STATE OF ARIZONA.

DOCKET NO. T-04038A-08-0117

DECISION NO. _____

ORDER

14 Open Meeting
15 May 24 and 25, 2011
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. Pursuant to Decision No. 64721 (April 17, 2002), ATMC, Inc. ("ATMC" or
22 "Company") was granted a Certificate of Convenience and Necessity ("Certificate") to provide resold
23 interexchange telecommunications services in Arizona.

24 2. On February 28, 2008, the Company filed with the Commission an application for the
25 cancellation of its Certificate ("Application"). ATMC stated that it had not provided service in
26 Arizona for several years, and is withdrawing all tariffs and certifications for doing business in
27 Arizona.

28 3. On November 22, 2010, the Commission's Utilities Division ("Staff") filed its Staff
Report recommending approval of ATMC's Application.

4. Staff states that the Company did not collect advances, deposits and/or prepayments
from Arizona customers.

5. Staff reported that there were no customer complaints, inquiries or opinions against
the Company and Staff noted that the Commission's Corporations Division had revoked ATMC's

1 ability to transact business in Arizona on December 12, 2008, for failure to file its annual report.

2 6. Staff recommends approval of ATMC's Application and cancellation of the
3 Company's Certificate.

4 7. Staff's recommendations are reasonable and should be adopted.

5 **CONCLUSIONS OF LAW**

6 1. The Company is a public service corporation within the meaning of Article XV of the
7 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

8 2. The Commission has jurisdiction over the Company and the subject matter of the
9 Application.

10 3. The cancellation of the Company's Certificate is in the public interest and the
11 Application should be granted as recommended by Staff.

12 4. Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding
13 Certificates of Convenience and Necessity for certain telecommunication services without a hearing.

14 5. The requirements of A.A.C. R14-2-1107 should be waived in this case.

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ORDER

IT IS THEREFORE ORDERED that the Application of ATMC, Inc. for the cancellation of its Certificate of Convenience and Necessity to provide resold interexchange telecommunications services in Arizona is approved, and its Certificate of Convenience and Necessity is hereby cancelled.

IT IS FURTHER ORDERED that ATMC, Inc. is hereby granted a waiver of A.A.C. R14-2-1107.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2011.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

MES:db

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